

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

STEPHEN JAMES DELAPINE,

Defendant.

CASE NO. 8:11CR33

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report and Addendum (“PSR”) and the government’s objections thereto (Filing No. 118). No objections were filed by the Defendant; although the Defendant did voice objections to the probation officer and those are addressed in the Addendum to the PSR. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

In Filing No. 118, the government does not specify the portion objected to in the PSR, it merely states that it stands by its objections as indicated in the Addendum to the Revised Presentence Investigation Report. Upon review of the Addendum, the Court notes that the Government and Defendant object to Paragraphs #30, #31, and #38, and the Defendant also objects to Paragraph #95. These objections will be addressed at sentencing.

IT IS ORDERED:

1. The government's Objections to Paragraphs #30, 31, and #38 of the PSR will be addressed at sentencing;
2. It is the Court's intention to honor the parties' plea agreement;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 25th day of February, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge